

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

The Department of Homeland Security, Immigration and Customs Enforcement (hereafter “ICE”) has filed an ex parte motion for an order permitting it to pursue involuntary feeding of Jacques Cothierre (A 24-650-779), who is currently incarcerated as a civil detainee at the Northwest Detention Center in Tacoma, Washington.

Based on the declarations of Dr. Philip Farabaugh and Ms. Deanna Gephart, and information submitted by ICE, I find that there is sufficient cause to believe that without the requested medical testing and treatment, Mr. Cothierre is in danger of irreparable injury, and possible death. Mr. Cothierre's current hunger strike poses a serious medical risk to himself.

A review of the applicable law reveals that the ICE has an affirmative statutory and constitutional duty to care for and treat inmates in its custody. This Court has inherent authority to issue an Order requiring the ICE to undertake this affirmative duty, which includes provision of forced feeding with plastic tubes through the nasal passage. Such treatment should be limited

ORDER GRANTING EMERGENCY EX PARTE
MOTION TO PROVIDE INVOLUNTARY
MEDICAL TREATMENT - 1

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1 to that which is medically necessary for Mr. Cothierre.

2 Therefore, IT IS HEREBY ORDERED that ICE may undertake the medical procedures
3 and treatment described herein. ICE is directed to provide a copy of this order to Mr. Cothierre
4 and his attorney forthwith.

5 DATED this 1st day of March, 2006.

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8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE

10 Presented by:

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12 United States Attorney

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14
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